

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JESSICA CROSS) CASE NO.
)
Plaintiff) JUDGE
)
v.) DEFENDANTS YEAR ROUND
) LOGISTICS INC. AND RICKY D.
YEAR ROUND LOGSITICS INC., et al.) GREENE'S NOTICE OF REMOVAL OF
) CIVIL ACTION TO THE UNITED
Defendants.) STATES DISTRICT COURT FOR THE
) NORTHERN DISTRICT OF OHIO

Defendants, Year Round Logistics Inc. and Ricky D. Greene (“Defendants”), by and through undersigned counsel and pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446, give notice to this Court of the removal of this action from the Court of Common Pleas, Lorain County, Ohio, to the United States District Court for the Northern District of Ohio. In support of this notice, Defendants states as follows:

1. Year Round Logistics Inc. (“Year Round”) and Ricky D. Greene are defendants in a civil action pending in the Court of Common Pleas, Lorain County, Ohio, styled *Jessica Cross v. Year Round Logistics Inc.*, Lorain County C.P. Case No. 21CV204455. Plaintiff filed this action on September 29, 2021.¹ The Clerk of Courts for the Court of Common Pleas, Lorain County, Ohio issued a Summons upon Year Round and Mr. Greene on October 18, 2021.²
2. Mr. Greene received a copy of the Summons and Complaint on or about October 26, 2021. (See Ex. “B”.) The Summons and Complaint constitute all process, pleadings, and orders served upon or received by Mr. Greene in the state court action.

¹ A true and accurate copy of the Summons and plaintiff’s Complaint are attached hereto as Exhibit “A”.

² See the docket print out attached as Exhibit “B”.

3. Defendants file this Notice of Removal pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

4. The plaintiff's action stems from a motor vehicle accident that occurred on October 20, 2019, in Henrietta Township, Lorain, Ohio. Plaintiff has asserted claims for personal injuries and damages, including allegations that she sustained:

- a. closed head injury;
- b. compression fractures of the T7, T10, T11 and T12 vertebra;
- c. Spinous process fractures of T9 and T10;
- d. Transverse process fractures of L1, T9 and T10;
- e. Interspinous ligament tear between the arch of C1 and the arch of C2;
- f. Capsular hemorrhage between the lateral mass of C1 and C2;
- g. Anterior compression/posterior distraction injury at T10-T11
- h. Full thickness ligamentum flavum tear in T10 and T11;
- i. Interspinous ligament tear at T9-T10, and T10-11;
- j. Extensive paraspinal strain in the cervical and upper thoracic spine;
- k. T8-T12 instrumented fusion;
- l. T10 laminectomy;
- m. Bi-lateral pulmonary contusions; and
- n. Right-sided pneumothorax.

Plaintiff also claims that she is reasonably certain to incur future physical pain, mental and emotional anguish, and a diminishment in her ability to fully function and enjoy life. Further, she claims that her earnings and earning capacity have been impaired. (See Ex. "A".)

5. Upon information and belief, plaintiff is an individual of the United States who resides in West Homestead, Pennsylvania. As such, plaintiff is an individual citizen of the State of Pennsylvania. Upon information and belief, plaintiff is not an individual citizen of any other state. (See Ex. "A".)

6. Year Round is a corporation incorporated pursuant to the laws of the State of Wisconsin.³ Year Round maintains its principal place of business in Kenosha, Wisconsin. (See Ex. "C".) As such, Year Round is a corporate citizen of the State of Wisconsin. Year Round is not a corporate citizen of any other state.

7. Mr. Greene is an individual of the United States who resides in Grovetown, Georgia. As such, Mr. Greene is an individual citizen of the State of Georgia. Upon information and belief, Mr. Greene is not an individual citizen of any other state. (See Ex. "A".)

8. The plaintiff's Complaint seeks an amount "in excess of the arbitration limits of Lorain County" and she is claiming "serious injuries, some or all of which may be permanent in nature" as a result of this accident. As set forth above she is also claiming she is "reasonably certain to incur future physical pain, mental and emotional anguish, annoyance, inconvenience, and a diminishment in her ability to fully function and enjoy life" as a result of this accident. Plaintiff also alleges her earnings and future earning capacity has been impaired. Therefore, the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. (See Ex. "A".)

9. Given the complete diversity of the parties' citizenship and the amount in controversy, this Court has original subject-matter jurisdiction over this action pursuant to 28 U.S.C. § 1332. As such, this action is subject to removal pursuant to 28 U.S.C. § 1441.

³ See the Ohio Secretary of State printout attached as Exhibit "C".

10. Year Round and Mr. Greene have filed this Notice of Removal within thirty (30) days from the date on which they received the plaintiff's Complaint. Therefore, it is timely pursuant to 28 U.S.C. §1446.

11. Plaintiff has allegedly perfected service on Year Round Logistics LLC and Mr. Greene and they each consent to removal.

12. Defendants have served a copy of this Notice of Removal upon all parties, as well as filed it with the Court of Common Pleas for Lorain County, Ohio, both pursuant to 28 U.S.C. §1446.⁴

13. Defendants assert their right to a trial by jury.

14. Defendants do not waive any jurisdictional or other defenses available to them.

15. Defendants reserve the right to supplement this Notice of Removal and/or to present additional arguments in support of their entitlement to removal.

WHEREFORE, Year Round Logistics LLC and Ricky D. Greene, pray for the removal of the above-referenced civil action from the Court of Common Pleas, Lorain County, Ohio, to the United States District Court for the Northern District of Ohio.

Respectfully submitted,

/s/ Joseph W. Pappalardo

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*Attorneys for Defendants Year Round Logistics
LLC and Ricky D. Greene*

⁴ A true and accurate copy of the Notice of Filing of Notice of Removal filed with the Lorain County Court of Common Pleas is attached hereto as Exhibit "D".

CERTIFICATE OF SERVICE

I hereby certify that *Defendants Year Round Logistics LLC and Ricky D. Greene's Notice of Removal of Civil Action to the United States District Court for the Northern District of Ohio* was electronically filed with the Court on November 15, 2021. Notice of this filing will be sent by operation of the Court's case management and electronic case filing system. Parties may access this filing through the Court's case management and electronic case filing system. A true copy of the foregoing was also served by United States mail, postage prepaid, on November 15, 2021 upon the following:

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